

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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BRUNSON COMMUNICATIONS, INC

*Plaintiff,*

v.

ARBITRON, INC.

*Defendant.*

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: Civil Action No.: 02 CV. 3223

**MOTION OF DEFENDANT ARBITRON, INC. FOR *PRO HAC VICE*  
ADMISSION OF ALFRED R. FABRICANT AND MARC LIEBERSTEIN**

Pursuant to Rule 83.5.2 of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania, defendant Arbitron, Inc. ("Arbitron"), by its undersigned counsel, respectfully moves for the admission *pro hac vice* of Alfred R. Fabricant and of Marc Lieberstein, and in support thereof, represents as follows:

1. As set forth in the attached Declaration of Mr. Fabricant (Fabricant Dec. at ¶2), he is a member in good standing of the Bars of the States of New York and of Arizona, as well as the U.S. Supreme Court, the U.S. Courts of Appeals for the Second and Federal Circuits, and the U.S. District Courts for the Northern District of Arizona and the Southern District of New York.

2. As set forth in the attached Declaration of Mr. Lieberstein (Lieberstein Dec. at ¶2), he is a member in good standing of the Bars of the States of New York and of Connecticut, as well as the U.S. District Courts for the the Southern and the Eastern Districts of New York.

3. Neither Mr. Fabricant nor Mr. Lieberstein has had any grievance or disciplinary proceeding filed against them in any of the jurisdictions in which they are admitted to practice.

4. Mr. Fabricant and Mr. Lieberstein have each read and agreed to abide by the Local Rules of this District. (Dec. at ¶ 3).

5. Mr. Fabricant and Mr. Lieberstein have a long-standing attorney-client relationship with Arbitron, and are familiar with the legal and factual issues raised by this action. They have already been closely involved in the investigation and defense of this action. Therefore, his continued participation in this case is of great importance to defendant Arbitron.

Pursuant to Local Rule 7.1(b), counsel for defendant hereby certifies that this motion is not contested by opposing counsel.

WHEREFORE, defendant Arbitron, Inc. respectfully requests that the Court admit Alfred R. Fabricant and Marc Lieberstein as its counsel *pro hac vice*.

**SPECTOR GADON & ROSEN, P.C.**

Date: July 2, 2002

By: \_\_\_\_\_

David B. Picker, Esq.

Bruce Bellingham, Esq.

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(215) 241-8888 / (215) 241-8844 (Fax)

Alfred Fabricant

Marc Lieberstein

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Attorneys for Defendant Arbitron, Inc.



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**ORDER GRANTING LEAVE TO APPEAR PRO HAC VICE**

AND NOW, this \_\_\_\_ day of July, 2002, upon consideration of the Motion for *Pro Hac Vice* Admission of Alfred R. Fabricant, Esquire, and of Marc Lieberstein, Esquire, and any opposition thereto, it is hereby

ORDERED and DECREED that said motion is GRANTED, and Alfred R. Fabricant, Esquire, and of Marc Lieberstein, Esquire are hereby admitted *pro hac vice* to practice law before this Court in this action.

BY THE COURT:

\_\_\_\_\_  
, J.

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**DECLARATION OF ALFRED R. FABRICANT**

STATE OF NEW YORK     )

: ss.:

COUNTY OF NEW YORK   )

ALFRED R. FABRICANT respectfully declares as follows:

1.     I am a member of the law firm of Ostrolenk, Faber, Gerb & Soffen, LLP, regular counsel for defendant Arbitron, Inc. ("Arbitron"). I submit this Declaration in support of the motion for my admission to appear *pro hac vice* in the United States District Court for the Eastern District of Pennsylvania.

2.     I am a member in good standing of the Bars of the States of New York and of Arizona. I have also been admitted to practice in the United States Supreme Court, the United States Courts of Appeals for the Second and Federal Circuits, and the United States District Courts for the Northern District of Arizona and the Southern District of New York. I have had no disciplinary or grievance proceeding filed against me in any jurisdiction.

3. I have received a copy of the Rules of the United States District Court for the Eastern District of Pennsylvania, and have read the same. I agree to abide by all rules and procedures contained therein.

4. I have a long-standing attorney-client relationship with Arbitron, and am familiar with its business and operations. I have also been working on preparing the defense to this action, and am familiar with the legal and factual issues raised. Accordingly, it is important to Arbitron that I be able to appear in this action and continue to represent its interests in this action as its attorney.

5. If permitted to appear *pro hac vice*, I would work in conjunction with the law firm of Spector Gadon & Rosen, P.C., which is located in Philadelphia in the Eastern District of Pennsylvania; and David B. Picker and Bruce Bellingham of that firm will be readily available for communication with opposing counsel and acceptance of service of papers.

6. Accordingly, I respectfully request that the Court grant this Motion.

7. I declare under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

Dated: June \_\_, 2002

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Alfred R. Fabricant

**IN THE UNITED STATES DISTRICT COURT  
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: Civil Action No.: 02 CV. 3223

**DECLARATION OF MARC A. LIEBERSTEIN**

STATE OF NEW YORK )

: ss.:

COUNTY OF NEW YORK )

MARC A. LIEBERSTEIN respectfully declares as follows:

1. I am a member of the law firm of Ostrolenk, Faber, Gerb & Soffen, LLP, regular counsel for defendant Arbitron, Inc. ("Arbitron"). I submit this Declaration in support of the motion for my admission to appear *pro hac vice* in the United States District Court for the Eastern District of Pennsylvania.

2. I am a member in good standing of the Bars of the States of New York and of Connecticut. I have also been admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York. I have had no disciplinary or grievance proceeding filed against me in any jurisdiction.

3. I have received a copy of the Rules of the United States District Court for the Eastern District of Pennsylvania, and have read the same. I agree to abide by all rules and procedures contained therein.

4. I am familiar with Arbitron's business and operations. I have also been working on preparing the defense to this action, and am familiar with the legal and factual issues raised. Accordingly, it is important to Arbitron that I be able to appear in this action and continue to represent its interests in this action as its attorney.

5. If permitted to appear *pro hac vice*, I would work in conjunction with the law firm of Spector Gadon & Rosen, P.C., which is located in Philadelphia in the Eastern District of Pennsylvania; and David B. Picker and Bruce Bellingham of that firm will be readily available for communication with opposing counsel and acceptance of service of papers.

6. Accordingly, I respectfully request that the Court grant this Motion.

7. I declare under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

Dated: July 1, 2002

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Marc A. Lieberstein

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**MEMORANDUM OF LAW IN SUPPORT OF  
MOTION OF DEFENDANT ARBITRON, INC. FOR *PRO HAC VICE*  
ADMISSION OF ALFRED R. FABRICANT AND MARC LIEBERSTEIN**

Pursuant to Rule 83.5.2 of the Local Rules of Civil Procedure for the Eastern District of Pennsylvania, Defendant Arbitron, Inc. ("Arbitron"), by its undersigned counsel, respectfully submits this Memorandum in Support of its Motion for the admission *pro hac vice* of Alfred R. Fabricant and of Marc Lieberstein.

The facts are as set forth in the foregoing Motion and Declarations of attorneys Fabricant and Lieberstein. Both attorneys are members of the Bar of the highest Courts in the States in which they are admitted to practice. Neither has had any disciplinary proceeding filed against him. Both are familiar with the Local Rules of this Court. Both have a relationship with Defendant Arbitron, and are familiar with the legal and factual issues of this case, and their representation of Arbitron will materially aid its defense of this lawsuit.

Accordingly, Mr. Fabricant and Mr. Lieberstein have satisfied the requirements of the Local Rules, particularly Rule 83.5.2, for *pro hac vice* admission to this Court for purposes of

this case. E.g., Montgomery County v. Microvote Corp., 2000 U.S. Dist. LEXIS 3708, Civil Docket No. 97-6331 (E.D. Pa., March 16, 2000).

WHEREFORE, defendant Arbitron, Inc. respectfully requests that the Court admit Alfred R. Fabricant and Marc Lieberstein as its counsel *pro hac vice*.

**SPECTOR GADON & ROSEN, P.C.**

Date: July 2, 2002

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B y :

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Tel.: (212) 382-0700  
Fax: (212) 382-0888

Attorneys for Defendant Arbitron, Inc.

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**CERTIFICATE OF SERVICE**

I, David B. Picker, hereby certify that a true copy of the foregoing Defendant's Motion to For Admission of Attorneys Alfred R. Fabricant and Mac A. Lieberstein *Pro Hac Vice* was served this 2<sup>nd</sup> day of **July**, 2002, upon counsel of record for Plaintiff in this action, by postage-prepaid first class mail, as follows:

Robert J. Sugarman, Esq.  
**Sugarman & Associates**  
11<sup>th</sup> Floor, Robert Morris Building  
100 North 17<sup>th</sup> Street  
Philadelphia, Pennsylvania 19103  
(Attorney for Plaintiff)

Dated: July 2, 2002

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David B. Picker

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